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WELLS FARGO BANK, N.A.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION AT LOS ANGELES**

DAVID HOUGH, et al.,
Plaintiffs,

vs.

RYAN CARROLL, et al.,
Defendants.

Case No. 2:24-cv-02886-WLH-SK
Honorable Wesley L. Hsu

**DECLARATION OF NICHOLAS
J. SCHUCHERT IN SUPPORT OF
PLAINTIFFS' AND DEFENDANT
WELLS FARGO BANK, N.A.'S
STIPULATION TO CONTINUE
RESPONSE DEADLINE TO
SECOND AMENDED
COMPLAINT**

SAC Served: 12.04.24
Current Response Deadline: 01.03.25
Proposed New Deadline: 01.17.25

1 I, Nicholas J. Schuchert, declare as follows:

2 1. I am an attorney with the law firm of Troutman Pepper Hamilton
3 Sanders LLP, and am counsel of record for Wells Fargo Bank, N.A. (“Wells Fargo”)
4 in this action. I have personal knowledge of the matters in this declaration. If called
5 to testify as a witness, I could and would do so. I make this Declaration pursuant to
6 the Court’s Standing Order for Newly Assigned Civil Cases, ¶ H.3.

7 2. As set forth in the accompanying stipulation, Plaintiffs David Hough, et
8 al., filed their initial complaint in this Court on April 9, 2024. ECF No. 1. They filed
9 a first amended complaint (“FAC”) on May 20, 2024. ECF No. 56. The FAC named
10 Wells Fargo as a defendant for the first time.

11 3. On July 22, 2024, the Court approved a stipulation between Plaintiffs
12 and Wells Fargo that stayed Wells Fargo’s response deadline to the FAC and set
13 Wells Fargo’s response deadline to Plaintiffs’ anticipated Second Amended
14 Complaint (“SAC”) for 30 days after the date of the SAC’s filing. ECF No. 98
15 (“SAC Stipulation”).

16 4. On November 27, 2024, this Court granted Plaintiffs’ motion for leave
17 to file the SAC. ECF No. 167.

18 5. On December 4, 2024, Plaintiffs filed their SAC. ECF No. 173.

19 6. Pursuant to L.R. 15-3, the deadline to respond to an amended pleading
20 ordinarily begins running on the date that the Court grants the motion for leave to
21 file the pleading—which in this case, would be November 27, 2024. Plaintiffs’
22 counsel has advised that Plaintiffs believe that L.R. 15-3 governs Wells Fargo’s
23 response deadline to the SAC. Under this interpretation, Wells Fargo’s response
24 deadline to the SAC would fall on December 27, 2024.

25 7. In Wells Fargo’s view, however, the Court-ordered deadline in the
26 SAC Stipulation superseded L.R. 15-3, by setting Wells Fargo’s 30-day response
27 deadline to start running on the date the SAC was actually filed. Under this
28

1 interpretation, Wells Fargo's response deadline to the SAC would fall on January 3,
2 2025.

3 8. Regardless of whose interpretation is correct, both of these deadlines—
4 December 27 and January 3—are equally difficult to satisfy from the perspective of
5 me and my colleagues at my law firm, as well as in-house attorneys employed by
6 my client, due to leave and/or time off, pre-planned vacations, children's school
7 closures around the holiday season, and similar complications. Although we have
8 been working diligently since receipt of the SAC to prepare a response, it is
9 unavoidable that numerous individuals, both at Wells Fargo and at my law firm,
10 would experience significant hardship without a brief continuance of these
11 deadlines.

12 9. Plaintiffs' counsel and Wells Fargo have therefore stipulated that Wells
13 Fargo's deadline to respond to the SAC should be continued to January 17, 2025.

14 10. Other than the SAC Stipulation as set forth above, which the Court
15 approved, Wells Fargo has not requested any other continuances in this matter.

16 I declare under penalty of perjury under the laws of the United States of
17 America that the foregoing is true and correct. Executed on December 11, 2024 at
18 Irvine, California.

19
20 /s/ Nicholas J. Schuchert

21 Nicholas J. Schuchert
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